

# EXHIBIT 14

Exhibit 14 to Declaration of John Soumilas, Esq. in Support of Plaintiff's Motion to Certify Class  
Larson v. Trans Union, LLC, No. 12-cv-05726

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

5 BRIAN DOUGLAS LARSON, on )  
6 behalf of himself and all )  
7 others similarly situated, )  
8 Plaintiff, )  
9 vs. ) No. 3:12-cv-05726-  
10 TRANS UNION, LLC, ) WHO  
11 Defendant. )  
----- )

VIDEOTAPED DEPOSITION OF BRIAN DOUGLAS LARSON  
Irvine, California  
Friday, December 12, 2014  
H-1

20           Reported by:  
21           STACEY E. STOWE  
22           CSR No. 12926  
23           JOB No. 1963181  
24  
25           PAGES 1 - 92

1	Q	-- language, correct?	10:51
2	A	Yes. I asked, "What does it mean?"	10:51
3	Q	And this was on October 26th, 2011?	10:51
4	A	Yeah.	10:51
5	Q	The same day you received and reviewed the	10:51
6	report?		10:51
7	A	No, I don't -- no, it was -- it might have	10:51
8		been the day -- a day after.	10:51
9	Q	Okay.	10:51
10	A	It might have been.	10:51
11		I'm not -- I know -- I remember talking, but I	10:51
12		don't remember exactly what hour, what's -- you know, it	10:51
13		was within the context of a week. I could -- that's the	10:51
14		best of my knowledge.	10:51
15	Q	What exactly did you --	10:51
16		So you spoke to a Trans Union	10:51
17		representative --	10:51
18	A	Yes.	10:51
19	Q	-- correct?	10:51
20	A	Yes --	10:51
21	Q	And what --	10:51
22	A	-- and took notes.	10:51
23	Q	And what exactly did you tell the	10:51
24		representative or ask the representative about this	10:51
25		OFAC -- I'm going to call it the OFAC Header. Okay?	10:52

1	This language on LARSON, page 0 -- LARSON 0016.	10:52
2	What exactly did you tell the Trans Union	10:52
3	representative about this OFAC Header?	10:52
4	A I asked him, "What does this mean -- possible	10:52
5	OFAC match?" And vaguely -- I don't have a real	10:52
6	recollection of what she said -- or the person said.	10:52
7	It was more or less a service that was	10:52
8	required by law, that they were bound to -- or something	10:52
9	like that. In other words, there was some kind of law	10:52
10	that states because of the 2011 -- or 2001,	10:52
11	September 11th, that it's -- it's -- for that reason.	10:52
12	Q Do you remember who you spoke to at Trans	10:53
13	Union?	10:53
14	A Not -- not too well. I don't remember.	10:53
15	Q But you said you kept notes of that	10:53
16	conversation --	10:53
17	A Yeah.	10:53
18	Q -- correct?	10:53
19	A I turned it over to the attorney. I forgot	10:53
20	the name of the person. But I wrote down all the	10:53
21	information I could.	10:53
22	MR. YOO: David, could you search your files	10:53
23	for those notes, please --	10:53
24	MR. SEARLES: Yeah.	10:53
25	MR. YOO: -- because I don't think we've	10:53

1	A      Uh-huh.	10:55
2	Q      -- represents a printout of the OFAC search	10:55
3	that you conducted on October 26th, 2011; is that	10:55
4	correct?	10:56
5	A      That's correct.	10:56
6	Q      And you typed in your name Brian Douglas	10:56
7	Larson, and that resulted in 22 hits, correct?	10:56
8	I'm just reading from the first page.	10:56
9	A      More or less. I think it was 1 -- 31, or it	10:56
10	could have been 22.	10:56
11	Q      Based on the results of this search, did you	10:56
12	have any reason to believe that you were actually a	10:56
13	possible match to somebody on the OFAC list?	10:56
14	A      Yes.	10:56
15	Q      Can you point to which of the results caused	10:56
16	you that concern?	10:56
17	A      The only thing that I saw was the name -- the	10:56
18	word -- the middle name Douglas. That was the only	10:56
19	adjoining factor that was relevant to these -- to this	10:56
20	printout.	10:57
21	Q      But do you see the name Brian Douglas Larson	10:57
22	in any of these 22 results -- or even the name	10:57
23	Brian Larson?	10:57
24	A      All I see is Douglas.	10:57
25	Q      And is the word Douglas connected in any way	10:57

1 to Brian or Larson in any of these entries? 10:57

2 Or is it mentioned -- 10:57

3 A No. 10:57

4 Q -- in the same entry? 10:57

5 A No. 10:57

6 Q Okay. And despite the fact that the words 10:57

7 "Brian" and "Larson" do not show up in any of these 10:57

8 22 hits, this still causes you concern that you were a 10:57

9 potential match to somebody on the OFAC list; is that 10:57

10 correct? 10:57

11 A Yes. 10:57

12 Q Okay. 10:57

13 A That others might see this documentation, and 10:57

14 it may cause missed opportunities for me. 10:58

15 Q What do you mean by "missed opportunities"? 10:58

16 A If this being a potential employment 10:58

17 opportunity or a credit opportunity or a banking 10:58

18 opportunity, I was concerned that even having to -- to 10:58

19 be associated with OFAC, Office of Foreign Asset 10:58

20 Control, would cause undue or misstated or mis- -- 10:58

21 miscommunication and -- upon my name. 10:58

22 Q As we sit here today, Mr. Larson, do you still 10:58

23 believe that you are a potential match to somebody on 10:58

24 the OFAC list? 10:58

25 A Yes. 10:59

1 Q And you said that when you initially read this 10:59  
2 OFAC Header, you didn't really understand what it meant, 10:59  
3 correct? 10:59  
4 A Correct. 10:59  
5 MR. YOO: Can we take another quick 10:59  
6 five-minute break, please? 10:59  
7 THE VIDEOGRAPHER: Going off the record. 10:59  
8 The time is 10:59 a.m. 10:59  
9 (Recess.) 10:59  
10 THE VIDEOGRAPHER: Back on the record. 11:10  
11 The time is 11:10 a.m. 11:10  
12 BY MR. YOO: 11:10  
13 Q Thank you, Mr. Larson. 11:10  
14 Can I have you look, again, at Exhibit C, 11:10  
15 please. 11:11  
16 A (Witness complies.) 11:11  
17 Q Now, you previously testified that in or about 11:11  
18 August of 2011, you had a line of credit closed by Wells 11:11  
19 Fargo, correct? 11:11  
20 A Uh-huh, yes. 11:11  
21 Q Can you point that out on your October 26th, 11:11  
22 2011, report? And take your time. 11:11  
23 MR. SEARLES: Objection to the form. Point 11:11  
24 out what? 11:11  
25 You can answer. 11:11

1 A On the Internet, after I clicked on 11:22  
2 Trans Union's link here at the bottom of this header, it 11:22  
3 took me to this page here, which then I put my name in, 11:22  
4 which put out this information. I became very 11:22  
5 concerned. 11:22

6 So immediately, I did several searches about 11:22  
7 OFAC, and people like Francis & Mailman and other 11:22  
8 attorneys came up on the Internet, and I chose to call 11:22  
9 their toll-free number -- Francis & Mailman -- 11:22

10 Q Okay. 11:23

11 A -- at that time to discuss what OFAC is -- or 11:23  
12 what OFAC search is or how it's reported. 11:23

13 Q Mr. Larson, did you ultimately submit this 11:23  
14 complaint marked as Exhibit F to the FTC? 11:23

15 A Yes. 11:23

16 Q Did you ever receive a response? 11:23

17 A No. 11:23

18 Q To this day, you have not received a response? 11:23

19 A No. 11:23

20 Q Have you followed up with them? 11:23

21 A Yeah. I called them one time, and they didn't 11:23  
22 have any information on the claim -- on the claim I 11:23  
23 made, the claim number. 11:23

24 Q You mean they couldn't even find the claim 11:23  
25 number? 11:23

1	A	No.	11:23
2	Q	So it's as if they never received this?	11:23
3	A	Exactly.	11:23
4	Q	That's what they claimed?	11:23
5	A	That's what they claimed.	11:23
6	Q	Did you ever contact any other government	11:23
7	agency?		11:23
8	A	Yes. I called OFAC and left a message.	11:23
9	Q	So you contacted them by telephone?	11:24
10	A	That's correct.	11:24
11	Q	Did you ever hear back from OFAC?	11:24
12	A	Yes, I did.	11:24
13	Q	Oh, you did?	11:24
14	A	Yes. They left a message on my machine. I	11:24
15	don't have that electronic information. But it states		11:24
16	to the effect that I should contact the credit reporting		11:24
17	agency that had reported this.		11:24
18	Q	And is that why you contacted Trans Union, or	11:24
19	did you get that message --		11:24
20	A	This message --	11:24
21	Q	Okay.	11:24
22	A	Yeah, later on. This is -- I'm not sure	11:24
23	exactly, but it was definitely after the printout --		11:24
24	Q	Okay.	11:24
25	A	-- of this information.	11:24

1 annualcreditreport.transunion.com, correct? 11:31  
2 A Yes. It's partial. It's missing pages. 11:31  
3 Q What was your reason for requesting this 11:32  
4 credit report? 11:32  
5 A Usually, I do -- once a year or twice a year, 11:32  
6 I'll get a report -- 11:32  
7 Q Okay. 11:32  
8 A -- just so I can either dispute or maintain my 11:32  
9 credit and FICO score. 11:32  
10 Q Just to make sure things are in order -- 11:32  
11 A Yeah. 11:32  
12 Q -- more or less? 11:32  
13 A Yeah. 11:32  
14 Q Okay. And do you see the OFAC Header on this 11:32  
15 credit report? 11:32  
16 A No. 11:32  
17 Q Mr. Larson, were you harmed in any way by the 11:32  
18 inclusion of the OFAC Header in your October 26, 2011, 11:32  
19 credit report? 11:32  
20 A In what way? 11:32  
21 Q How did it affect you? How did it make you 11:32  
22 feel? 11:32  
23 A Distressed; that I could have been 11:32  
24 misrepresentative [sic] of my integrity or character 11:33  
25 along with the potential for employment opportunities or 11:33

1	other background check information. That was a fear	11:33
2	that I -- that was running through my mind.	11:33
3	Q Do you have any reason to believe that you	11:33
4	were actually denied credit or an employment	11:33
5	opportunity --	11:33
6	A I don't have a --	11:33
7	Q Sorry. Let me finish my question.	11:33
8	A Okay.	11:33
9	Q Do you have any reason to believe that you	11:33
10	were denied credit or an employment opportunity or	11:33
11	suffered any other adverse consequences based on the	11:33
12	OFAC Header?	11:33
13	A I don't have any proof that I was -- I was	11:33
14	denied employment because of it or denied credit because	11:34
15	of it.	11:34
16	Q Do you have any reason to believe that any	11:34
17	third party even saw the OFAC Header on your credit	11:34
18	report?	11:34
19	A Yes. Because if I saw it on there, obviously	11:34
20	it was available to other people or other businesses or	11:34
21	other entities.	11:34
22	Q So that is your understanding; that it --	11:34
23	A That's my --	11:34
24	Q -- was available --	11:34
25	A -- understanding.	11:34

1	record the portion of the letter under "Re: Need	11:49
2	Additional Information"?	11:49
3	A "Our records show that Trans Union has	11:49
4	provided you with a consumer disclosure free of charge	11:49
5	pursuant to the FACT Act within the past 12-month	11:49
6	period. If you would like to receive additional	11:49
7	consumer disclosure, please complete the attached form	11:49
8	and provide payment in the amount of \$8."	11:49
9	Q Okay. That's fine. Thank you.	11:49
10	So is it fair to say that in the 12 months	11:49
11	prior to the date of this letter, you had made another	11:49
12	request to Trans Union for a free credit report?	11:49
13	A I don't remember.	11:50
14	Q Mr. Larson, can you explain why you believe	11:50
15	you are a suitable class representative in this case?	11:50
16	A In my belief system, you're (unintelligible.)	11:50
17	THE REPORTER: I'm sorry?	11:50
18	THE WITNESS: -- you're to love one another,	11:50
19	because I believe in Jesus Christ. And I think that	11:50
20	everyone -- every person deserves to have treatment --	11:50
21	right treatment. And when one is hurt, they all hurt.	11:50
22	And so I don't think of myself as the only	11:51
23	person here. I think of others. And if this hurt me,	11:51
24	it might hurt them. And if somehow practices could	11:51
25	change that would help other people, if one is hurt and	11:51

1	learn from that hurt, then society would be a better	11:51
2	place.	11:51
3	BY MR. YOO:	11:51
4	Q Mr. Larson, do you know of any other	11:51
5	individual besides yourself, who claims that they were	11:51
6	harmed by the inclusion of an OFAC Header on their	11:51
7	credit report?	11:52
8	A Yes.	11:52
9	Q And who is that?	11:52
10	A Sandra Cortez.	11:52
11	Q Just to clarify, Mr. Larson, I'm referring to	11:52
12	Exhibit C, the OFAC Header.	11:52
13	Would you mind turning to that, please?	11:52
14	A (Witness complies.)	11:52
15	Q Page 15 of 17, in Exhibit C. I'm referring	11:52
16	specifically to the language that says, "The OFAC	11:52
17	Header -- The OFAC record that is considered a potential	11:52
18	match to the name on your credit file is:" and with a	11:52
19	blank space underneath it.	11:52
20	Do you have any reason to believe that that's	11:52
21	what Sandra Cortez saw in her Trans Union credit report?	11:53
22	A I don't know. All I can show you is that	11:53
23	there's a link that provides a place to go to, to	11:53
24	research a person's name from a list.	11:53
25	Q And other than Sandra Cortez and yourself, are	11:53

1	you aware of any other individuals who were harmed by	11:53
2	the inclusion of the OFAC Header in their credit report?	11:53
3	A Personally, no.	11:53
4	Q Okay. Okay. Mr. Larson, are you prepared to	11:53
5	be present at a multi-day trial in this action?	11:53
6	A Yes.	11:53
7	Q And do you keep yourself informed of what's	11:53
8	going on in this case?	11:53
9	A With legal counsel, yes.	11:53
10	Q Okay. How often do you --	11:53
11	Do you receive updates from legal counsel?	11:53
12	MR. SEARLES: And for the record, I have to	11:54
13	instruct you, you're not allowed to testify concerning	11:54
14	any communications between you and your attorney.	11:54
15	But you can answer the question.	11:54
16	THE WITNESS: As often as possible.	11:54
17	BY MR. YOO:	11:54
18	Q And if you can just give me an estimate, about	11:54
19	how often?	11:54
20	A I can't give you a regular Hail Mary. It	11:54
21	could -- it could be a week. It could be a month. It	11:54
22	could be --	11:54
23	Q Maybe once a week; maybe once a month?	11:54
24	A Could be. Could be, depending on what they	11:54
25	keep me abreast of, what the issues are of the case.	11:54

1 I, the undersigned, a Certified Shorthand  
2 Reporter of the State of California, do hereby certify:

3 That the foregoing proceedings were taken  
4 before me at the time and place herein set forth; that  
5 any witnesses in the foregoing proceedings, prior to  
6 testifying, were placed under oath; that a verbatim  
7 record of the proceedings was made by me using machine  
8 shorthand which was thereafter transcribed under my  
9 direction; further, that the foregoing is an accurate  
10 transcription thereof.

11 I further certify that I am neither  
12 financially interested in the action nor a relative or  
13 employee of any attorney of any of the parties.

14 IN WITNESS WHEREOF, I have this date  
15 subscribed my name.

16 Dated: December 15, 2014

21 Stacey E. Stowell, CSR

22 Certificate Number 12926